

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 12-20 are pending in this application. Claims 12 and 19 are independent. The remaining claims depend, directly or indirectly, from claims 12 and 19.

Claim Amendments

Independent claim 12 has been amended for purposes of clarification. Claims 12 and 13 have also been amended to correct typographical errors and misspellings. No new matter is added by way of these amendments. Support for these amendments may be found, for example, at least in paragraphs [0009] and [0043] of the Publication of the present application.

Rejections under 35 U.S.C. § 102

Claim 12 is rejected under 35 U.S.C. § 102(e) as being anticipated by US Publication No. 2003/0229531 ("Heckerman"). To the extent that this rejection may still apply to amended claim 12, this rejection is respectfully traversed.

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. *See* MPEP § 2131. The Applicant respectfully asserts that Heckerman does not disclose each and every limitation recited in the amended independent claim.

Specifically, Heckerman deals with a method at an advertising computer system for modifying advertisement scores based on response probabilities. First, Heckerman fails to disclose a method performed at a set-top box (STB), as required by the amended independent claim. Rather, the method of Heckerman is performed at an advertising computer (*see* Heckerman, Abstract). This is further evidenced by the fact that Heckerman discloses that each advertisement is associated with a “response (or click) probability.” *See* Heckerman, paragraph [0012]. The “click” referred to by Heckerman is that of a mouse click, when a user using a computer system clicks on the advertisement to view the advertisement or to go to a webpage associated with the advertisement. In contrast, the method of the present invention is not based on a user selecting an advertisement with a click of a mouse button, but rather, is related to how an advertisement gets selected for display on an STB (*i.e.*, a television box). The present invention’s method has nothing to do with user input at a computer system. Because Heckerman discloses an advertising computer system (260 in Figure 2 of Heckerman), it is not possible for Heckerman, nor is it necessary for Heckerman, to disclose receiving advertisement information and generating a random number *within the STB*.

It logically follows that Heckerman is not concerned with *displaying* an advertisement, as recited by amended independent claim 12. Rather, the advertisements of Heckerman are already displayed; otherwise, they would not be “clickable” by a user. The advertisements of Heckerman are only *altered* based on user response probabilities, and not selected for display.

Further, Heckerman fails to disclose that the range of values is *exempt of an overlap* with ranges of values corresponding to distinct associations containing the determined advertisement space. In fact, in the Office Action mailed April 11, 2008, on page 2, the Examiner fails to even address this limitation. Rather, the Examiner skips over the aforementioned limitation and cites no portion of Heckerman as disclosing the limitation. See *Id.*

In view of the above, it is clear that Heckerman does not support the rejection of amended independent claim 12. Thus, claim 12, as amended, is patentable over Heckerman. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 13-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Heckerman in view of US Publication No. 2006/0029368 ("Harville"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Claims 13-18, which depend directly or indirectly from claim 12, are patentable over Heckerman for at least the same reasons described above with respect to claim 12. Further, Harville fails to supply that which Heckerman lacks, as evidenced by the fact that the Examiner relies on Harville solely for the purpose of teaching that the probability value for an advertisement depends on the number of times the advertisement is to be displayed. See Office Action mailed April 11, 2008, page 3. Thus, dependent claims 13-18 are patentable over Heckerman and Harville, whether considered separately or in combination.

Further, with respect to independent claim 19, Heckerman fails to teach or suggest any type of management of the advertisement scores on *the broadcast side in a television network*. In fact, as described above, Heckerman has nothing to do with a television network, but rather, deals with advertisements displayed on a computer system. The cited portions of Heckerman fail to teach or suggest determining a *final number of selections* for a particular advertisement space. Rather, Heckerman merely teaches determining a response probability, which as described above, is based on a user selecting an advertisement displayed on a computer system, and has nothing to do with advertisement *spaces*, as required by claim 19. Moreover, the response probability is not a “final number of selections;” rather, it is merely a probability of how often the advertisement is selected by a user.

Dependent claim 20 is patentable over Heckerman for at least the same reasons described above with respect to independent claim 19. Further, Harville fails to supply that which Heckerman lacks, as evidenced by the fact that the Examiner relies on Harville solely for the purpose of teaching that the probability value for an advertisement depends on the number of times the advertisement is to be displayed. *See* Office Action mailed April 11, 2008, page 5.


Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/063001).

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Respectfully submitted,

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